

**Town of La Pointe Zoning  
Town Plan Commission Regular Monthly Meeting Minutes  
September 15, 2010**

**Town Plan Commission (TPC) Members Present:** Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Ron Madich, Greg Thury (arrives at 4:35), Carey Baxter (7).

**Town Plan Commission Members Absent:** none.

**Public Present:** Paul Brummer (1).

**Town Staff Members Present:** Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

**I. Call to Order/Roll Call**

Chair Pallas called the meeting to order at 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

None.

**III. Approval of Previous Meeting Minutes**

**a. Town Plan Commission Special Meeting, September 9, 2010**

C. Brummer moves to approve the Town Plan Commission Special Meeting minutes of September 9, 2010, as submitted. S. Soucek. seconds. All in favor, 6 aye. Motion Carries.

**IV. Zoning Administrator's Report**

The Town Board reviewed and tentatively approved the \$15,000 from the County for zoning work done on the island at their September 14 meeting. The County Zoning Board also approved of the figure, although Jeff Bierl, the County Administrator, felt that the County should take over their part of the zoning work done on the island, rather than continue with the agreement (the La Pointe Zoning Department being paid to do Ashland County zoning work here).

There have been a number of complaints regarding land disturbance and pollution (from geese) on a property on Sunset Bay. The Zoning Administrator notes that the migrating geese have been landing there because the property owners have removed many tag alders there in preparation for building a house. The geese will probably leave after the property owners begin living on site.

A brief discussion ensues regarding anonymous and/or verbal complaints, and whether they can be pursued.

**V. Consideration of Permit Applications**

**a. Noha, James/Marie RE: Certified Survey Map at 279 Library Street, LP# 014-00439-0300**

The Town Board reviewed the CSM as it stands at its September 14<sup>th</sup> meeting. However, A completed map still needs to be submitted for this to progress.

**b. Roketenetz RE: single family dwelling at 890 South Shore Road, LP# 014-00293-1100**

This parcel is a nonconforming lot and was created in 1987 and the Ordinance was first amended in 1988, does it only need to meet the requirements of the 1972 Ordinance? Also, the parcel map and the metes and bounds description of the back property line do not add up. The parcel map appears to be

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wrong, showing the back line as missing 24.23 feet. The Town Plan Commission concurs that the Zoning Administrator should go by the warranty deed meets and bounds. The property will then meet the S-3 Zone standards (S-3 being the zone in the 1972 Ordinance) and be a legal nonconforming lot of record.

## VI. Old Business

### Zoning Ordinance Revision Project

- a. Review and possibly revise Zoning Ordinance working draft Sections 1.0 – 16.0
- b. Approve tentative draft of Zoning Ordinance, including Official Zoning Map, to present to the public

#### General Corrections:

- Regularize section references throughout in the following format: *1.A.1.a.*
- Change to Bold typeface all subsections beginning with capital letters
- Add spaces between subsections and subsection items, bullet points, and text blocks
- When referring to Wisconsin Statutes, use “§” instead of the word “section.”
- The abbreviations for Light Industrial Zones 1 and 2 should be regularized to *LZ-1* and *LZ-2*.
- Correct lettering/bulleting, capitalization, margins, and tabulation errors.

#### Section 2.0 Definitions

- In 2.22 Health Care Facility, delete “*and is limited to places for the diagnosis, treatment, or other care of human ailments*” from the end of the definition.
- In 2.35 Lot of Record, add the word “*thereto*” to the end of the definition.
- In 2.36 Lot, Width of, replace “*Table 2 in Appendix*” with “*Section 16.2.*”
- In 2.51 Road Access, change “*Is that portion of the road that includes...*” to “*That portion of the road/driveway that includes....*”
- Change definition of 2.59 Structure from “*Anything constructed or erected with a fixed location on the ground, or attached to anything having a fixed location on the ground. Structures shall include buildings and mobile homes, but structures shall not include fences ten (10) feet or less*” to “*Anything constructed or erected with a fixed location on the ground, or attached to anything having a fixed location on the ground. Structures shall include, but are not limited to, buildings and mobile homes.*”
- In 2.60 Structural Alteration, insert the word “*and*” between “*maintenance repairs.*”

#### Section 3.0 Zoning Districts

- Regularize uses throughout to be in the singular
- Insert page breaks throughout so that each zoning district begins on its own page.

- Change name of use from “*Dwelling, Multiple (maximum of four (4)) Family*,” to “*Dwelling, Multiple family*” throughout
- In 3.1, replace “*Table 1, Appendix*” and “*Table 3, Appendix*” with “*Section 16.1*” and “*Section 16.3*.”
- In 3.4.B, replace “*Solar Generator*” with “*Solar Collector*.”
- In 3.5, second asterisk, replace “*that provision*” with “*Section 6.1.D*.”
- In 3.6.A, add “*existing*” to the end of “*Dwelling, Multiple Family, Rental of*.”
- In 3.7.B, change “*Lodging Facility (up to three (3) non-transients)*” to “*Lodging Facility (up to four (4) non-transients)*.”
- In 3.8, asterisk, delete the word “*shoreline*” in both instances.
- In 3.10, delete “*and*” in between “*restaurants*” and “*offices*.”
- In 3.10.A, change “*healthcare*” to “*Health Care*.”
- In 3.10, move “*Light Industry*” from B. Conditional Uses to A. Permitted Uses.
- In 3.11.A, 1 and 2, replace “*Floodplain Zoning*” with “*Shoreland Amendatory*.”
- In 3.12, change “*604.5 plus Run-up National Geographic Vertical Datum (NGVD) shall be the flood protection elevation enforced by the Ashland County Zoning Department within the Floodplain Hazard Overlay District. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance*” to read:  
“*The flood protection elevation enforced by the Ashland County Zoning Department within the Floodplain Hazard Overlay District shall be 604.5 plus Run-up National Geographic Vertical Datum (NGVD). All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance, where applicable, and the Ashland County Floodplain Zoning Ordinance.*”
- In 3.13, add “*Aircraft/ Airplane hangar*” as a permitted use.

#### Section 4.0 General Provisions

- In 4.2.B, add “*and solar collectors*” after “*Wind Generators, telecommunication and radio towers*” in both instances.
- In 4.2.F, change “*See Table 4, Section 16*” to “*See illustration, Section 16.4*.”
- In 4.2.F.1, change “*A Special Exception shall only be granted if setbacks cannot be met in any zone*” to “*A Special Exception shall not be granted if setbacks can be met in any other zone*.”
- In 4.2.F.4, change “*and*” to “*and/or*.”

- In 4.2.G, change title from “*Minor Accessory Structures Allowed Without Land Use Permit includes but not limited to the following*” to “*Minor Accessory Structures Allowed Without a Land Use Permit include but aren’t limited to the following.*”
- In 4.2.G.1, change “over” to “under.”
- In 4.3.B, add an item 3 to read *3. Number of off-street parking spaces required for non-residential uses are shown in the following table.:*”
- In 4.3.B.3 Table, change “*Adult-Oriented*” to “*Sexually-Oriented.*”
- In 4.3.B.11, add title to read “*Board of Appeals.*”
- In 4.3.B.11, change “*10.2(13)*” to “*10.2.N.*”
- In 4.3.D.1.a first bullet point, change “*Light Industrial (LZ)*” to “*Light Industrial Zones 1 & 2 (LZ-1 and LZ-2).*”
- In 4.3.D.1.b, add “*without issuance of a Land Use Permit*” after “*...shall be allowed.*”
- In 4.3.D.2.a, delete “*(where applicable)*” after “*Town Land Use Permits.*”
- In 4.3.D.2.c, pluralize “*lean-to.*”
- In 4.3.D.2.d, fourth bullet point, close parentheses after “*applicable.*”
- 4.3.D.2.e should be divided into 4.3.D.2.e, 4.3.D.2.f, and 4.3.D.2.g. 4.3.D.2.f should read “*No principal dwelling currently exists on the property*” and 4.3.D.2.g should read “*Long-term camping unit shall not be let or rented.*”

#### Section 5.0 Signs

- In Section 5.4, delete the word “*However*” from the second sentence.
- In Section 5.4, change “*provision of Section 5*” to read “*provision of Section 9.*”
- In Section 5.4, insert “*of the sign*” between “*location*” and “*changes.*”

#### Section 6.0 Regulation of Special Uses

- In 6.1.B.1, change “*All junk/ salvage yards shall have a minimum front, side, and rear yards...*” to read “*All junk/ salvage yards outside the LZ-1 Zone shall have minimum front, side, and rear yards....*”
- In 6.1.B.3, add “*1*” to the end of “*Light Industrial Zone*” and also add “*Setback for the junk/ salvage yard shall be as listed in Section 16.1 Dimensional Requirements.*”
- In 6.1.F.1.c, delete fifth bullet point.
- In 6.2.B.3, change “*4.2(7)*” to “*4.2.H.*”

- In 6.2.B.7, add a period after “*authorized agent*” and capitalize *upon*.”
- In 6.2.B.7, add “*the property owner*” between “*such notification*” and “*shall abate such action.*”
- In 6.2.B.7, change “8.1(3)(B)” to “8.1.C.3.”
- In 6.2.C.2, change “*a*” to “*an.*”
- In 6.2.C.3, replace “*L-Z*” with “*LZ-1 and LZ-2.*”

#### Section 8.0 Administration

- In 8.1.B.1, delete “*to*” from in between “*and refer.*”
- In 8.1.B.7, add “*Receive Land Use Applications for signs*” to beginning of sentence.
- In 8.1.B.8, replace the word “*Application*” with “*Petition*” in both instances.
- In 8.1.B.8, add “*and/or Amendment to Zoning Ordinance*” to title.
- In 8.1.C.3, replace “6.8” with “6.0.”
- In 8.1.C.4, replace “*With the approval of the Board, or when directed by them*” with “*With approval of, or direction from, the Town Board of La Pointe.*”
- In 8.3.A, delete “*The fee for the filing of applications for Land Use Permits shall be established by the Town Plan Commission.*”
- In 8.3.B.6, insert “*Identify all existing structures and improvements*” after the first sentence.
- In 8.3.C, insert “*not been*” in between “*has been*” and “*granted.*”
- In 8.4.F, delete “*Zoning Administrator or.*”

#### Section 9.0 Nonconforming Uses

- In 9.1.F, replace “*fire or other natural disaster*” with “*violent wind, vandalism, fire, flood, ice, snow, mold, or infestation*” in both instances.
- In 9.2’s title, delete “*(Excluding Nonconforming Structures to Shoreland Setback).*”
- In 9.2, add “*This section is not intended to apply to structures that are nonconforming as to shoreline setback*” as the first sentence.
- In 9.2.B, insert “*square*” in between “*Total enclosed*” and “*footage.*”
- In 9.2.E, replace “*fire or other natural disaster*” with “*violent wind, vandalism, fire, flood, ice, snow, mold, or infestation*” in both instances.

- In 9.3, add “*This section is not intended to apply to structures that are nonconforming as to shoreline setback*” as the first sentence.
- In 9.3.F.1, add *including the additions*” to the end of the sentence.

#### Section 11.0 Amendments

- Add “*Petition for the Amendment of Zoning District Boundaries*” as the title to item E.
- Add “*Petition for the Amendment of the Ordinance Text*” as the title to item F.

#### Section 13.0 Town Plan Commission

- In 13.3, replace “*members*” with “*Commissioners.*”
- In 13.5.B, delete “*Zoning Map Changes*” and add “*and Subdivision Plats*” to the end of the sentence.
- In 13.6, replace “*zoning permit application*” with “*documents.*”

#### Section 15.0 Complaints

- In 15.2.A, change “*...matter if it does not present...*” to “*...matter if the complaint does not present....*”

#### Section 16.0 Appendices

- In 16.3 (Zoning District Use Matrix), delete columns for S-O and F-O (Shoreland Overlay and Flood Overlay Districts).
- In 16.3, replace column for L-Z (Light Industrial) with LZ-1 and add a column for LZ-2.
- In 16.3, delete text of first asterisk.
- In 16.4, add “*or variance*” after “*Need Special Exception*” in text block next to “*S-1 Zoning District.*”

G. Thury moves to approve the draft of the Zoning Ordinance dated September 9<sup>th</sup>, 2010, with the changes made today, and the draft of the Town of La Pointe Zoning Map dated September 7<sup>th</sup>, 2010. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

### VII. New Business

### VIII. Future Agenda Items

### IX. Schedule of Next Meeting

- Town Plan Commission Zoning Ordinance Revision Project Question & Answer Session to be held on Thursday, September 23, 2010, at 5:00 pm.

### X. Adjournment

G. Thury moves to adjourn. C. Baxter seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:55 pm.

**Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA on Friday, September 24, 2010.**

**Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Thursday, October 07, 2010.**

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